

08-Jul-23 16:31

From-LEVY DAVIS MAHER

FAX NO. 212 545 4079

+12123110463

T-235 P.02/04 F-138

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ALEXANDER KUVSHINOV,

Plaintiff,

-against-

TRIBECA GRAND HOTEL, INC.,

Defendant.

Case No. 07 civ. 11052 (RJH)(JCF)

**FIRST A MENDED SCHEDULING  
ORDER**

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 8/4/08

**I. DESCRIPTION OF THE CASE.**

**A. Attorneys of Record.**

Jonathan A. Bernstein  
Levy Davis & Maher, LLP  
29 Broadway, Ninth Floor  
New York, NY 10006  
(212) 371-0033

Lori D. Bauer  
Liane Z. Chinnwalla  
Jackson Lewis LLP  
59 Maiden Lane  
New York, NY 10038  
(212) 545-4000

ATTORNEYS FOR PLAINTIFF  
ALEXANDER KUVSHINOV

ATTORNEYS FOR DEFENDANT  
TRIBECA GRAND HOTEL, INC.

**B. Basis for Jurisdiction, Description of Claims, and Relief Sought.**

Plaintiff, a former security officer of the Tribeca Grand Hotel ("TGH"), was terminated on or about October 5, 2006. He brings this action pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*; the Civil Rights Act of 1991, 42 U.S.C. § 1981A; New York State Human Rights Law, New York Executive Law § 296; and Article 8 of the New York City Administrative Code N.Y.C. Admin. Code § 8-101, *et seq.*, alleging that he was subject to harassment and discrimination on the basis of his sex and national origin (Russian) by his former supervisor at TGH and terminated in retaliation for complaints thereof. Defendant denies the allegations in Plaintiff's

Complaint and maintains that Plaintiff was terminated for a legitimate, non-discriminatory reasons, namely talking on his cell phone when he should have been on patrol. Plaintiff seeks economic, compensatory and punitive damages, attorneys fees and injunctive relief.

## **II. PROPOSED CASE MANAGEMENT PLAN.**

- a. Pending Motions: there are no pending motions by the parties at this time.
- b. Cutoff Date for Joinder of Additional Parties: April 15, 2008.
- c. Cutoff Date for Amendments to Pleadings: April 15, 2008.
- d. Schedule for Completion of Discovery:
  - i. Exchange of Rule 26(a)(1) Disclosures: March 21, 2008.
  - ii. Fact Discovery Completion: October 30, 2008.
  - iii. Exchange of Rule 26(a)(2) Disclosures: November 15, 2008.
  - iv. Expert Discovery Completion (including exchange of expert reports): November 30, 2008.
- e. Filing of Dispositive Motions: January 15, 2009
- f. Filing of Pretrial Order: February 2, 2009.
- g. Trial Schedule:
  - i. The parties request a jury trial.
  - ii. The probable length of trial is three (3) days.
  - iii. The case will be ready for trial on March 30, 2009.

## **III. THE PARTIES DO NOT UNANIMOUSLY CONSENT TO PROCEED BEFORE A MAGISTRATE JUDGE.**

## **IV. STATUS OF SETTLEMENT DISCUSSIONS.**

- a. The parties have not participated in settlement discussions to date.
- b. At this time, the parties do not request a settlement conference. However,

the parties anticipate that the need may arise for a settlement conference at a later date.

*I. A status conference  
shall be held on  
6/14/08 at 10:00 a.m.*

Dated: July 23, 2008  
New York, New York

Respectfully submitted,

LEVY DAVIS & MAHER, LLP  
29 Broadway, 9<sup>th</sup> Floor  
New York, New York 10006  
(212) 571-0133

By:

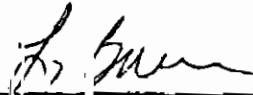
  
Jonathan A. Bernstein (JB 4053)

ATTORNEYS FOR PLAINTIFF

JACKSON LEWIS LLP  
59 Maiden Lane  
New York, NY 10038  
(212) 545-0000

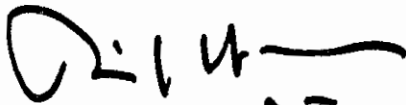
Dated: July 24, 2008  
New York, New York

By:

  
Lori D. Bauer (LB 8098)  
Liana Chiu walla (LC 5708)

ATTORNEYS FOR DEFENDANT  
TRIBECA GRAND HOTEL, INC.

*No further extension  
absent extraordinary circumstances  
SO ORDERED*

  
UDJ  
7/21/08